

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

FILED

JUL 10 2017

Clerk, U.S. District Court
District Of Montana
Missoula

ADRIAN GUILLE,

Plaintiff,

vs.

JOSH SWEENEY, TOM WOOD,
CHRIS CONNEL, MYRON BEESON,
SGT. ROBERT TURNER, JOSH
KNIGHT, SAMUEL SHORT, JASON
TRUDEAU, GARRETT KENT,
DANIEL SEGOVIA AND LEROY
KIRKEGARD.

Defendants.

CV 14-00051-H-DLC-JTJ

ORDER

Plaintiff Adrian Guille is a prisoner proceeding pro se and in forma pauperis. He is incarcerated in New Jersey. (Notice of Change of Address, Doc. 112.) Pending are Mr. Guille's Motion for Protective Order and Temporary Restraining Order (Doc. 92), Mr. Guille's Motion for Temporary Restraining Order (Doc. 106), and Defendants' Motion for Leave to File Supplemental Response to Mr. Guille's Motion for Preliminary Injunction and Temporary Restraining Order (Doc. 111). The motion for leave to file a supplemental response is granted.

Mr. Guille has been transferred from Montana State Prison to a prison in New Jersey. (Notice of change of address, Doc. 112.) As such his Motions for Protective Order and Temporary Restraining Order (Docs. 92, 106) are moot. *See Darring v. Kincheloe*, 783 F.2d 874, 876–77 (9th Cir. 1986) (inmate’s claim for injunctive relief should be dismissed as moot when inmate transferred to another prison and no reasonable expectation or demonstrated probability that inmate would again be subjected to conditions from which he seeks injunctive relief); *cf. Dilley v. Gunn*, 64 F.3d 1365, 1368 (9th Cir. 1995) (“An inmate’s release from prison while his claims are pending generally will moot any claims for injunctive relief relating to the prison’s policies unless the suit has been certified as a class action.”)

Based upon the foregoing the Court issues the following:

ORDER

1. Mr. Guille’s Motion for Protective Order and Temporary Restraining Order (Doc. 92) is DENIED without prejudice.

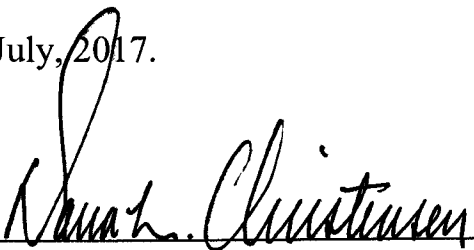
2. Mr. Guille’s Motion for Temporary Restraining Order (Doc. 106) is DENIED without prejudice.

3. Defendants’ Motion for Leave to File Supplemental Response to Mr. Guille’s Motion for Preliminary Injunction and Temporary Restraining Order

(Doc. 111) is GRANTED.

4. At all times during the pendency of this action, Mr. Guille must immediately advise the Court and opposing counsel of any change of address and its effective date. Failure to file a notice of change of address may result in the dismissal of the action for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

DATED this 10th day of July, 2017.



Dana L. Christensen, Chief Judge
United States District Court